PUBLIC NOTICE

US Army Corps
of Engineers
New England District

Maine Project Office
675 Western Avenue, #3
Manchester, Maine 04351

Date: March 13, 2001
Comment Period Ends: April 13, 2001
File Number: 200002925
In Reply Refer To: Shawn Mahaney
Or by e-mail: Shawn.B.Mahaney@usace.army.mil

30 DAY COMMENT PERIOD

STATE OF MAINE, ATLANTIC SALMON COMMISSION, 650 STATE STREET, BANGOR, MAINE 04401 has requested a Corps of Engineers permit under Section 404 of the Clean Water Act to construct and maintain a fish weir in the East Machias River at East Machias, Maine as shown on the attached plans and described as follows:

Fill approximately 2,245 square feet (0.051 acres) of the East Machias River in conjunction with the construction of the foundation and abutments of a removable A-frame weir and fish trap. The weir and trap would be installed in the spring and removed in the fall.

The proposed project would be used to count returning adult Atlantic salmon, collect broodstock to raise river-specific salmon and to prevent escaped aquaculture fish from migrating up the river. The project is part of the State's Atlantic Salmon Conservation Plan.

The project is located on the MACHIAS, ME quadrangle sheet at Universal Transverse Mercator grid coordinates N 4955051, E 627595.

The project would impact approximately 0.051 acres of Essential Fish Habitat (EFH) - see attached sheet 4 for list of species and life stages. This habitat consists of intertidal and subtidal bottom composed of boulders, cobbles, gravel, sand & mud. The proposed project is expected to have only short-term impacts on fish. During the placement of granite cribs, piles, floats and moorings fish in the project area may be displaced by suspended sediments and noise. No impacts are expected from structures or sediment build up.

Based upon this assessment of impacts to EFH, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

On November 13, 2000, the National Marines Fisheries service and the U. S. Fish and Wildlife Service (Services) listed a distinct population segment (DPS) of Atlantic salmon (*Salmo salar*) in the Gulf of Maine as an endangered species under the Endangered Species Act (ESA). The East Machias River is one of the rivers that contains a distinct population segment (DPS) of Atlantic salmon (*Salmo salar*) in the Gulf of Maine that is listed as an endangered species under the Endangered Species Act (ESA). Consultation with the Services regarding ESA recommendations for the construction and operation of the fish weir at this site is being conducted and will be concluded prior to the final decision.

In order to properly evaluate the proposal we are seeking public comment. Anyone wishing to comment is encouraged to do so in writing, within the comment period specified in this notice. Comments should be addressed to Shawn Mahaney, Project Manager at the address noted above.

Any person may request, in writing, within the comment period that a public hearing be held to consider the application. Such requests shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

Sincerely,

SEE NEXT PAGE FOR DETAILS OF EVALUATION FACTORS

David H. Killoy, P.E., C.P.G.
Chief, Permits & Enforcement Section
Regulatory Branch

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

a. The permit area has been extensively modified by previous work.
b. The permit area has been recently created.
c. The proposed activity is of limited nature and scope.
d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

(X) Permit, License or Assent from State.
(X) Permit from Local Wetland Agency or Conservation Commission.
(X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here ( ) and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:
ADDRESS:

Summary of Essential Fish Habitat (EFH) Designations

Name of Estuary/ Bay/ River: Englishman / Machias Bay, Maine
10' x 10' latitude and longitude squares included in this bay or estuary or river (southeast corner boundaries):
4430/6710; 4430/6720; 4430/6730

Species	Eggs	Larvae	Juveniles	Adults	Spawning Adults
Atlantic salmon *(Salmo salar)*			F,M,S	F,M,S	
Atlantic cod *(Gadus morhua)*	S	S	S	S	S
haddock *(Melanogrammus aeglefinus)*					
pollock *(Pollachius virens)*			M,S		
whiting *(Merluccius bilinearis)*			M,S	M,S	
offshore hake *(Merluccius albidus)*					
red hake *(Urophycis chuss)*			S	S	
white hake *(Urophycis tenuis)*			M,S	S	
redfish *(Sebastes fasciatus)*	n/a				
witch flounder *(Glyptocephalus cynoglossus)*					
winter flounder *(Pleuronectes americanus)*	M,S	M,S	M,S	M,S	M,S
yellowtail flounder *(Pleuronectes ferruginea)*	S	S			
windowpane flounder *(Scopthalmus aquosus)*	M,S	M,S	M,S	M,S	M,S
American plaice *(Hippoglossoides platessoides)*	S	S	M,S	S	S
ocean pout *(Macrozoarces americanus)*	S	S	S	S	S
Atlantic halibut *(Hippoglossus hippoglossus)*	S	S	S	S	S
Atlantic sea scallop *(Placopecten magellanicus)*	S	S	S	S	S
Atlantic sea herring *(Clupea harengus)*	S	M,S	M,S	M,S	
monkfish *(Lophius americanus)*					
bluefish *(Pomatomus saltatrix)*					
long finned squid *(Loligo pealei)*	n/a	n/a			
short finned squid *(Illex illecebrosus)*	n/a	n/a			
Atlantic butterfish *(Peprilus triacanthus)*					
Atlantic mackerel *(Scomber scombrus)*				M,S	
summer flounder *(Paralicthys dentatus)*					
scup *(Stenotomus chrysops)*					
black sea bass *(Centropristus striata)*					
surf clam *(Spisula solidissima)*	n/a	n/a			
ocean quahog *(Artica islandica)*	n/a	n/a			
spiny dogfish *(Squalus acanthias)*	n/a	n/a			
tilefish *(Lopholatilus chamaeleonticeps)*					

Estuaries Tables

S = The EFH designation for this species includes the seawater salinity zone of this bay or estuary (salinity > or = 25.0%).
M = The EFH designation for this species includes the mixing water/ brackish salinity zone of this bay or estuary (0.5% < salinity < 25.0%).
F = The EFH designation for this species includes the tidal freshwater salinity zone of this bay or estuary (0.0% < or = salinity < or = 0.5%).
n/a = The species does not have this lifestage in its life history (dogfish/ redfish), or has no EFH designation for this lifestage (squids, surf clam, ocean quahog). With regard to the squids, the surf clam, and the ocean quahog, juvenile corresponds with pre-recruits, and adult corresponds with recruits in these species' life histories.